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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,778	07/22/2003	William A. Briese	15-748D1	6784
28060 7590 10/14/2008 TAROLLI, SUNDHELM, COVELL & TUMMINO, LLP 1300 EAST NINTH STREET SUITE 1700 CLEVELAND, OH 44114				
EXAMINER				
BASHORE, ALAIN L				
ART UNIT		PAPER NUMBER		
1792				
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10/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,778

Applicant(s)

BRIESE ET AL.

Examiner

Alain L. Bashore

Art Unit

1792

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 20-29, 46, 49, 51, 52 and 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 20-29, 46, 49, 51, 52 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16, 19, 25, 29, 46, 49, 50, 52, 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al ('309) in view of Geisel et al ('332) further in view of Claassen and Mercier et al ('522).

Crumbach et al discloses a method of controlled dispensing of a material along a length of an elongated window component. The component is moved along a path of travel relative to a material dispensing nozzle at a controlled speed. Bulk supply is present as is the inlet of a metering pump having an outlet coupled to the nozzle to dispense the material from the nozzle into contact with a surface of the elongated window component. The speed of the metering pump is regulated to control the rate of flow of the dispensed material from the nozzle. The pressure of the material is

monitored and regulated with pressure transducers before the material is dispense from the nozzle. (see abstract, figure elements 6,7, 21,21, 23-25; col 4, lines 3-11).

There is not disclosed:

monitoring the pressure of the material with a pressure transducer before said material is dispensed from the nozzle;

regulating the pressure of the material delivered to the metering pump based on the pressure sensed by pressure transducers further at a desired pressure range, and

opening and closing the nozzle based on movement of the window components to avoid dispensing material into gaps between components.

With regards to claims 16, 52, and 56, Geisel et al provides a pump control system and provides pressure sensors installed in the inlet and outlet ports of the dispensing pump for sensing the fluid pressure across the pump and deriving a feedback control signal that is used to control operation of the electrically controllable inlet regulator valve during operation of the systyem to maintain a constant operating pressure across the adhesive dispensing pump. (Col. 3, lines 52-58; col. 10, lines 22-26). The outlet port from the gear pump 14 is supplied through an optional back pressure regulator 17 to the automatically controlled dispensing nozzle 11. (Col. 5, lines 18-20; fig. 1).

It would have been obvious to one with ordinary skill in the art to include monitoring the pressure of the material with a pressure transducer before said material is dispensed from the nozzle, and regulating the pressure of the material delivered to the metering pump based on the pressure sensed by pressure transducers because of what is taught by Geisel et al. Geisel et al teaches that the pump control system operates to maintain substantially constant inlet and outlet pressure differences across the dispensing pump thereby making the system relatively insensitive to changes in viscosity of the adhesive being dispensed and allowing adhesives to be dispensed at relatively high pressure (see abstract).

It would have been obvious to one with ordinary skill in the art to "deliver" the material because Crumbach teaches connection between the bulk supply and the inlet (see fig 1 to Crumbach et al) and Geisel teaches pump control system operates to maintain substantially constant inlet and outlet pressure differences across the dispensing pump thereby making the system relatively insensitive to changes in viscosity of the adhesive being dispensed and allowing adhesives to be dispensed at relatively high pressure (see abstract to Geisel et al).

Regarding the specific desired pressure range now claimed, such would have been obvious to one with ordinary skill in the art as particular to known parameters for coating material dispensed and operating parameters for the proper operation of a pump per se, in absence of a criticality of result.

Claassen discloses opening and closing a nozzle based on movement of a substrate (see abstract).

It would have been obvious to one with ordinary skill in the art to include opening and closing the nozzle based on movement of the window components to avoid dispensing material into gaps between components for coating efficiency.

There is not disclosed: speed of movement between nozzle and component; periodically stopping dispensing, the speed of metering pump dependant on conveyer speed, and input parameters include acceleration and deceleration of the pump.

Mercier et al ('522) discloses operation interruptions (col 1, lines 60-67).

It would have been obvious to one with ordinary skill in the art to include speed of movement between nozzle and component speed of movement between nozzle and component, periodically stopping dispensing, the speed of metering pump dependant on conveyer speed, and input parameters include acceleration and deceleration of the pump because Mercier et al ('522) teaches interruptions that affect production.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al ('309) in view of Geisel et al ('332) further in view of Claassen and Mercier et al ('522) as applied to claims above, and further in view of Manser.

There is not disclosed presenting a user interface which allows the user to adjust input parameters for dispensing material from the nozzle.

Manser discloses a user interface which allows the user to adjust input parameters for dispensing material from the nozzle (col 4, lines 30-39).

It would have been obvious to one with ordinary skill in the art to include a user interface which allows the user to adjust input parameters for dispensing material from the nozzle because Manser teaches variations of window components that may require input parameter changes for coating.

4. Claim 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al ('309) in view of Geisel et al ('332) further in view of Claassen and Mercier et al ('522) as applied to claims above, and further in view of Schuler.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al ('309) in view of Geisel et al ('332) further in view of Claassen and Mercier et al ('522) in view of Manser as applied above , and further in view of Schuler.

There is not disclosed where the elongated window component is a U-shaped spacer frame, where the input parameter is a width of the spacer frame.

Schuler discloses the elongated window component is a U-shaped spacer frame (7).

It would have been obvious to one with ordinary skill in the art to include the elongated window component is a U-shaped spacer frame, where the input parameter is a width of the spacer frame because Schuler teaches spacer frames as another type of window component requiring coating.

5. Claims 26-28, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crumbach et al ('309) in view of Geisel et al ('332) further in view of Claassen and Mercier et al ('522) as applied to claims above, and further in view of Lisec.

There is not disclosed speed of metering dependant on type of elongated window component, desired thickness, spacer width.

Lisec discloses disclosed speed of metering dependant on type of elongated window component, desired thickness, spacer width (col 3, lines 63-68; col 4, lines 1-18).

It would have been obvious to one with ordinary skill in the art to include speed of metering dependant on type of elongated window component, desired thickness, spacer width because Lisec teaches compensation for changes required (col 3, lines 1-37).

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alain L. Bashore/
Primary Examiner, Art Unit 1792